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8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 RICKIE L. HILL,

11 Plaintiff,

12 vs.

13 TIMOTHY FILSON, et al.,

14 Defendants.

Case No. 3:16-CV-00644-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE
REPORT OF 90-DAY STAY**

(FIRST REQUEST)

15 Defendants, Harold Byrne, Danny Holland and Donald Southworth, by and through counsel,
16 Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney
17 General, hereby move this Court for an enlargement of time for Defendants to file their ninety (90) day
18 stay report. This motion is made pursuant to FED. R. CIV. P. 6(b)(1)(A) and is based upon the following
19 Memorandum of Points and Authorities and all other papers and pleadings on file herein.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. NATURE OF MOTION**

22 Defendants hereby move for this enlargement of time due to the fact that an Early Mediation
23 Conference is currently scheduled for January 23, 2018 at 11:30 a.m. (ECF No. 6 at 1).

24 **II. BRIEF STATEMENT OF THE CASE**

25 This is a prison civil rights action brought by Plaintiff, Rickie L. Hill ("Inmate Hill"), asserting a
26 claim for relief under 42 U.S.C. § 1983, the First Amendment, the Eighth Amendment, and the Fourteenth
27 Amendment to the U.S. Constitution. (ECF No. 3 at 11-12). This Court screened Inmate Hill's complaint
28 on October 4, 2017 and placed this matter into a ninety (90) day stay. (*Id.* at 12). The Office of the

Attorney General is to file a report regarding the results of the ninety (90) day stay on January 2, 2018. *Id.* An Early Mediation Conference ("EMC") is currently scheduled for January 23, 2018 at 11:30 a.m. (ECF No. 6 at 1).

III. LEGAL AUTHORITY

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court may, for good cause, extend the time in which an act must be done if a request is made before the original time or its extension expires. The proper procedure, when additional time for any purpose is needed, is to present the request for extension of time before the expiration of the time for the brief to be filed. Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule.

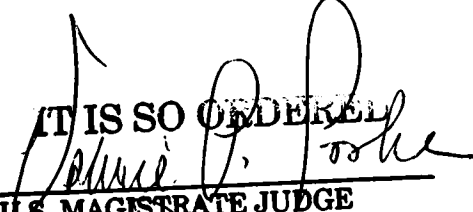
IV. DISCUSSION

Defendants submit that the facts and the argument contained herein constitute good cause to enlarge the time for the filing of the ninety (90) day stay report. The intent of the ninety (90) day stay is to permit the parties an opportunity to discuss settlement and to defer the assessment of the \$350.00 filing fee until the conclusion of those communications. (ECF No. 2 at p. 12). Here, the EMC is scheduled for January 23, 2018. To impose the assessment of the \$350.00 filing fee before the EMC would circumvent the intent of the stay and diminish the positions of the parties and their attempt so reach settlement. Therefore, Defendants assert that good cause exists to extend the stay in this matter until after the EMC.

V. CONCLUSION


Based on the foregoing, Defendants respectfully request this Court grant their Motion for Extension of Time to File Report of the 90-Day Stay.

DATED this 20th day of December 2017.

IT IS SO ORDERED

 U.S. MAGISTRATE JUDGE

DATED: December 22, 2017

ADAM PAUL LAXALT
 Attorney General

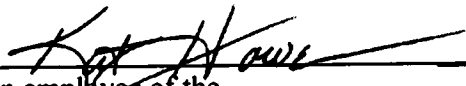
By: 
 ERIN E. ALBRIGHT
 Deputy Attorney General
 Bureau of Litigation
 Public Safety Division

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of December 2017, I caused to be deposited for mailing in the U.S. Mail a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE REPORT OF 90-DAY STAY (FIRST REQUEST)**, to the following:

RICKIE L. HILL #87052
ELY STATE PRISON
P O BOX 1989
ELY NV 89301


An employee of the
Office of the Attorney General